

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANTHONY JONES

Plaintiff,

vs

9:05-CV-1438
(DNH/RFT)

GLENN S. GOORD, *et al.*

Defendant.

APPEARANCES:

OF COUNSEL:

ANTHONY JONES
Plaintiff, pro se
221 Linden Blvd.
Apt. F-6. Building A
Brooklyn, NY 11226

HON. ANDREW M. CUOMO
Attorney General for the State of New York
Attorney for Defendants
The Capitol
Albany, NY 12224-0341

DAVID FRUCHTER, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff brought this civil rights action pursuant to 42 U.S.C. §§ 1983 and 1985. On March 3, 2009, the Honorable Randolph F. Treece, United States Magistrate Judge, advised, by Report-Recommendation, that defendants' motion for summary judgment be granted, in part and denied in part. Defendants timely filed objections to the Report-Recommendation.

Based upon a de novo determination of the portions of the report and recommendations to which defendants objected, the Report-Recommendation is accepted in whole. See 28 U.S.C. 636(b)(1). Accordingly, it is

ORDERED that

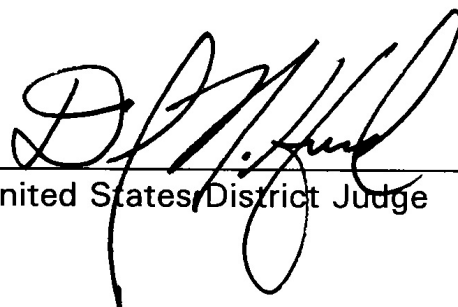
1. Defendants' motion for summary judgment is GRANTED in part and DENIED in part;

2. Defendants' motion for summary judgment as to plaintiff's First Amendment Claims against defendant Allard is DENIED;

3. Defendants' motion for summary judgment as to plaintiff's Retaliation Claims related to his acting as an inmate grievance representative is DENIED;

4. Defendants' motion for summary judgment in all other regards is GRANTED and those claims are DISMISSED and defendants Goord, Rushford, Eagen, Demars, LeClaire, and Rock are DISMISSED.

IT IS SO ORDERED.



United States District Judge

Dated: March 23, 2009
Utica, New York.